

TITLE 19

TAXICABS

Chapter 1 DEFINITIONS

19-1-1. Scope of Definitions.

The following words and phrases, when used in this title, shall have the meanings defined and set forth in this chapter:

- (a) "Cab day" shall mean eight or more hours during any calendar day.
- (b) "Calendar day" shall mean a 24-hour period from midnight to midnight.
- (c) "Calendar quarter" shall mean January 1 through March 31, April 1 through June 30, July 1 through September 30, or October 1 through December 31 of each year.
- (d) "Calendar six months" shall mean January 1 through June 30 and July 1 through December 31 of each year.
- (e) "Car pool" means the use of a taxicab for the transportation of two or more persons from their home to a designated location or drop-off point during morning hours and transporting two or more person from a designated pick-up point to their homes in afternoon hours in accordance with a pre-arranged agreement between the taxicab company and the persons being transported.
- (f) "Certificate" means a certificate of public convenience and necessity issued by the City authorizing the holder thereof to conduct a taxicab business in the City.
- (g) "City" means Sandy City, Utah.
- (h) "Cleared" means that condition of a taximeter when it is inoperative with respect to all fare registration, when no figures indicating fare or extras are exposed to view, and when all parts are in that position for which they are designed to be when the taxicab to which the taximeter is attached is not engaged by a passenger.
- (i) "Cruising" means the driving of a taxicab on the streets, alleys or public places of the City in search of or soliciting prospective passengers for hire.

- (j) "Extras" mean the charges to be paid by the customer or passenger in addition to the fare, including any charge for transportation of baggage or parcels.
- (k) "Face" is that side of a taximeter upon which passenger or customer" charges are indicated.
- (l) "Fare" means that portion of the charge for hire of a taxicab which is automatically calculated by the taximeter through the operation of the mileage and time mechanism.
- (m) "Flag" is the place at the end of the lever arm by which the operating condition of the taximeter is manually controlled.
- (n) "Holder" means a person to whom a certificate of public convenience and necessity has been issued.
- (o) "In service" shall mean that a taxicab is actually in use on the streets of the City, with a driver, and available for the transportation of passengers for hire.
- (p) "Manifest" means a daily record prepared by a taxicab driver of all trips made by said driver, showing time(s) and place(s) of origin and destination, number of passengers and the amount of fare of each trip.
- (q) "Open stand" means a public place alongside the curb of a street or elsewhere, in the City, which has been designated by the City as reserved exclusively for the use of taxicabs.
- (r) "Person" includes an individual, a corporation or other legal entity, a partnership and any unincorporated association.
- (s) "Small parcel delay delivery system" means a system of delivering any item which will fit into an 11 1/2 x 14 1/2 envelope, or smaller, which will be picked up by a taxicab driver and delivered to its destination within one and one-half hours. The pick-up and delivery of such small parcel shall be accomplished while the taxicab is idle; i.e. not en route to picking up or dropping off any passenger and not while any passenger is en route in said taxicab.
- (t) "Taxicab" means a motor vehicle used in the transportation of passengers for hire over the public streets of the City and not operated over a fixed route or upon a fixed schedule, but is subject to contract for hire by persons desiring special trips from one point to another. It does not include an automobile rental licensed under any other section of these ordinances.
- (u) "Taxicab driver's license" means the permission granted by the City to a person to drive a taxicab upon the streets of the City.
- (v) "Taximeter" means a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based and which automatically calculates, at a predetermined rate or rates,

and registers the charge for hire of a taxicab.

- (w) "Waiting time" means the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger or passengers.

Chapter 2 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

19-2-1. Certificate Required.

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City without first having obtained a certificate of public convenience and necessity from the City. For the purpose of this section, the term "operate for hire upon the streets of the City" shall not include the transporting, by a taxicab properly licensed in a jurisdiction outside the corporate limits of the City, of a passenger or passengers for hire where any trip shall originate with the passenger or passengers being picked up outside of the corporate limits of the City and where the destination is either within or beyond the corporate limits of the City. The term "operate for hire upon the streets of the City" shall include the soliciting or picking up of a passenger or passengers within the corporate limits of the City but that the destination shall be within or outside of the corporate limits of the City.

19-2-2. Application for Certificate.

An application for a certificate shall be filed with the license officer upon forms provided by the City and said application shall be verified under oath and shall furnish the following information:

- (a) The name and address of the applicant and in the event the application is made by a corporation, a certified copy of the articles of incorporation. No application shall be made on behalf of another person without disclosing that fact and stating the name of the person on whose behalf the application is filed.
- (b) The number of vehicles actually owned and the number of vehicles actually operated by such applicant on the date of such application.
- (c) The number of vehicles for which a certificate of public convenience and necessity is desired, and the location of the proposed central place of business and any other office to be maintained.
- (d) The financial status of the applicant, including any unpaid or unbonded judgments of record against such applicant, the title of all actions and the amount of all such judgments and the nature of the transaction or acts giving rise to said judgment.
- (e) The experience of applicant in the transportation of passengers.
- (f) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.
- (g) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.

- (h) Any other facts and such other information as the City may, in its discretion, reasonably require.

19-2-6. Application for Additional Authority by Holders.

Upon the filing of an applicant for a certificate, any present holder of a certificate may apply for additional authority under such certificate for the same or any lesser number of taxicabs for which authority is asked in the application and such request for additional authority shall be heard in conjunction with the application filed for which the hearing is scheduled.

19-2-7. Determination of Need and Issuance of Certificate.

If the City finds that further taxicab service in the City is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this ordinance, then the City shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under said certificate, the color scheme or insignia to be used to designate said vehicles, the date of issuance; otherwise, the application shall be denied.

In making the above findings, the City Council shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, the character, experience and responsibility of the applicant, the number and kind and type of equipment and the ability of the applicant to earn a fair return on the capital invested.

19-2-8. Seasonal Increase.

The public convenience and necessity having been demonstrated for the need of additional taxicabs during skiing seasons, all holders of existing taxicab certificates shall be allowed to increase the number of vehicle authorized in their certificate by fifty percent from October 15 to April 15 of each year.

19-2-9. Liability Insurance or Indemnity Bond Required.

No certificate of public convenience and necessity shall be issued or continued in operation unless there is on file with the City Recorder a certificate of insurance executed by an insurance company or association authorized to transact business in this state, upon a form as prescribed by the City that there is in full force and effect a policy of insurance conditioned to pay any final judgment against the holder of said certificate of public convenience and necessity for bodily injury to or death of any person resulting from the negligent operation, maintenance or use of taxicabs under such certificate, or for loss or damage to the property of others in the amount of One Hundred Thousand Dollars for bodily injury to or death of one person in connection with one accident and in the amount of Three Hundred Thousand Dollars for injuries to or death of more than one person for one accident and for damage to the property of others in the amount of One Hundred Thousand Dollars for one accident. Such policy or policies shall cover all taxicabs used or to be used. In lieu of the insurance herein provided for, the City may in its discretion accept a bond to be approved by it under such rules and regulations as the City

may prescribe, with a sufficient corporate surety of not less than two personal sureties who shall be residents and freeholders of this state, conditioned to pay all such damages as are herein provided for.

19-2-10. Fees for Issuance of Certificate.

No certificate shall be issued or continued in operation unless the holder thereof has paid an annual fee of \$150.00 for the right to engage in the taxicab business, and \$40.00 each year for each vehicle authorized under a certificate of public convenience and necessity. Said fees shall be for the calendar year and shall be in addition to any other fees or charges established by proper authority and applicable to said holder of the vehicle or vehicles under his operation and control. Provided, however, for any taxicab licensed from October 15 to April 15 only, pursuant to Section 19-2-8 of these ordinances, the holder shall be required to pay \$20.00 for a seasonal (1/2 year) license fee.

19-2-11. Vehicle License Sticker.

Upon the payment of the fees provided for in Section 19-2-10, a vehicle business license sticker shall be issued by the license officer for each taxicab so licensed which sticker must be affixed to each such taxicab on the passenger side in the lower corner of the windshield of each such taxicab.

19-2-12. License Required for all Vehicles Authorized.

A holder is required to have the total number of vehicles authorized under his certificate of convenience and necessity and to obtain the license required by Section 19-2- 11 of these revised ordinances for each and every vehicle. In the event the holder does not license the total number of vehicles authorized by said certificate before February 15th of any year, he shall forfeit the right to any vehicle not so licensed, that authority shall automatically revert to the City and the certificate shall be modified to reflect the total number of vehicles actually licensed before February 15 of any year. Such forfeited right to operate any vehicle may be reissued to any person; provided, however, it shall not be reissued except upon application required by Section 19-2-2 of these revised ordinances and by a showing of public convenience and necessity as required by Section 19-2-7 of these revised ordinances.

Nothing contained herein shall prohibit a holder from having vehicles in excess of the number authorized under his certificate for the purpose of replacement or substitution of an authorized vehicle under repair, maintenance or breakdown; provided, however, any such vehicle shall not be used as a taxicab other than as a replacement or substitution as herein provided. Each holder shall be authorized to license additional vehicles, over and above the number authorized in the certificate, as replacement or substitution vehicles according to the number of vehicles so authorized in the certificate. Any holder having one additional vehicle as a replacement or substitution vehicle. Any holder having authorization for eleven or more vehicles shall be allowed to license one additional vehicle as replacement or substitution vehicles for each ten vehicles authorized in the certificate.

19-2-13. Transfer of Certificate.

No certificate of public convenience and necessity may be sold, assigned, mortgaged, leased or otherwise transferred or encumbered without the formal consent of the City after a public hearing conducted in accordance with this chapter.

19-2-14. Responsibility of Holder.

The holder shall not be relieved of any responsibility of or compliance with the provisions of this title whether he leases or rents taxicabs to drivers, or whether he leases or rents taxicabs to drivers, or whether he pays salary, wages or any other form of compensation.

19-2-15. List to be Furnished.

Holders shall at all times have on file with the Police Department an up-to-date list of the vehicles operated under their certificates, which list shall contain the make, type, year of manufacture, serial or engine number and passenger capacity of each vehicle operated as a taxicab.

19-2-16. Suspension and Revocation of Certificates.

A certificate issued under the provisions of this title may be revoked or suspended by the City if the holder thereof has (1) violated any of the provisions of this title; (2) abandoned operation of a taxicab service for more than sixty days; (3) violated any ordinances of the City or the laws of the United States or the State of Utah, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.

Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

19-2-17. Minimum Use of Taxicabs Required.

No certificate issued in accordance with Section 19- 2-1 of these revised ordinances shall be construed to be either a franchise or irrevocable. It is the intent of the City that all taxicabs authorized be actually used for the transportation of passengers for hire. In order to implement that intent, the City hereby imposes the following requirements:

- (a) Each taxicab authorized under a certificate must be in service a minimum of 75 cab days during any calendar six months.
- (b) Within thirty days after the end of each calendar six months, a holder of a certificate must file a report with the City license office. Such report shall be in writing, signed by the holder or by some person authorized to sign the same on behalf of the holder and must be properly verified. Said report shall contain the following information:
 - (1) A list of all vehicles licensed under a certificate during the preceding calendar six months showing the serial or engine number, the state license plate

number and the City business license sticker number for each vehicle. Such list shall include any vehicle which has been salvaged or otherwise removed from the fleet as well as the replacement thereof.

- (2) The number of cab days each such vehicle was in service during the preceding calendar six months.
 - (3) The holder may also file with such report a written statement of the circumstances that caused any taxicab to be in service for less than 75 cab days.
 - (4) A statement that the information contained in the report was obtained from the company records and that all statements contained in said report are true and accurate.
- (c) In the event any taxicab licensed under the provisions of this title is not actually in service for the minimum required 75 cab days during any calendar six months, the right to operate that taxicab may upon at least 10 days notice to the holder, and upon the hearing had therefor, be revoked by the City. The holder may appear in person or be represented by counsel at such hearing to show cause, if any he has, why the right to operate said taxicab should not be revoked. If, at the conclusion of the hearing, the City shall find that the holder has shown extenuating circumstances, the City may grant continuance of authority. Upon revocation by the City of such authority, the certificate shall be modified to reflect the number of taxicabs actually in service for 75 cab days during such calendar six months. Such forfeited right to operate any vehicle may be reissued only upon application required by Section 19-2-2 of these revised ordinances, and by a showing of public convenience and necessity as required by Section 19- 2-7 of these revised ordinances.

Chapter 3 DRIVERS LICENSE

19-3-1. Unlawful to Operate Without License.

It shall be unlawful for any person to operate a taxicab for hire without having first obtained and having then in force a valid taxicab driver's license issued by the Police Department of the City under the provisions of this title.

19-3-2. Allowance of Operation Without License Unlawful.

It shall be unlawful for any person who owns or controls a taxicab, to permit it to be driven, and no taxicab licensed by the City shall be so driven at any time for hire unless the taxicab is operated by a driver who has then in force a valid taxicab driver's license issued under the provisions of this title.

19-3-3. Application for Driver's License.

An application for a taxicab driver's license shall be filed with the Police Department of the Sandy City on forms provided by the City.

19-3-4. Verification of Application and Form.

The application shall be verified by the applicant under oath and he shall be required to swear to the truthfulness of the matters contained upon the application.

19-3-5. Fee to Accompany Application.

At the time the application is filed the applicant shall pay to the Police Department the sum of \$10.00.

19-3-6. Current State Motor Vehicle Chauffeur's Permit and Knowledge of City Required.

Before any application is finally passed upon by the Police Department, the applicant shall be required to pass a satisfactory examination as to his knowledge of the City and to show that he has a current motor vehicle chauffeur's permit issued by the State of Utah authorizing the transportation of passengers.

19-3-7. Police Recommendation Form. Information Required.

The prospective applicant for taxicab driver's license shall be required to complete two police recommendation forms containing the following information:

- (a) The names and addresses of four residents of Salt Lake County who have known the prospective applicant for a period of thirty days and who will vouch for the sobriety, honesty and general good character of the applicant.

- (b) Experience of the prospective applicant in the transportation of passengers.
- (c) Education background of the prospective applicant.
- (d) A concise history of his employment.

19-3-8. Photographs Required.

The prospective applicant shall be required to have a photograph taken of him at police headquarters; applicants for renewal of taxicab driver's licenses shall furnish an up- to-date photograph or have an additional picture of him taken at police headquarters as shall be determined and directed by the Chief of Police.

19-3-9. Fingerprints Required.

The prospective applicant shall be required to file with the Chief of Police two sets of fingerprint impressions which shall be taken under the supervision of the Chief of Police.

19-3-10. Physician's Certificate Required.

The prospective applicant shall be required to file a certificate from a reputable physician of Salt Lake County certifying that, in his opinion, the applicant is not afflicted with any disease or infirmity that might make him an unsafe or unsatisfactory driver.

19-3-11. Recommendation of Chief of Police.

The Police Department shall conduct an investigation of each prospective applicant for each taxicab driver's license and shall review all of the information filed by the applicant as required by this chapter. Upon completion of the investigation, the Chief of Police shall either approve or disapprove the proposed application.

It shall be the duty of the Chief of Police to consider any misrepresentation or falsification by the prospective applicant which may be uncovered by the police investigation and any such misrepresentation or falsification will constitute just cause for the Police Department to refuse to issue a taxicab license or to suspend or revoke the same if it has previously been issued.

19-3-12. Police Department Action.

The Police Department shall, upon consideration of the application, approve or reject the application.

19-3-13. Hearing Upon Rejection.

If the application is rejected, the applicant may request a personal appearance before the Mayor's cabinet to offer evidence why his application should be approved.

19-3-14. Issuance of License and Badge.

Upon approval of an application for a taxicab driver's license, the City shall issue a

license to the applicant which shall bear the name, address, date of birth, signature and photograph of the applicant.

19-3-15. Duration of License. Renewal.

The taxicab driver's license shall be in effect for the remainder of the calendar year and the licensee may receive a new taxicab driver's license for each calendar year thereafter upon the payment of the fee of \$10.00, unless the license for the preceding year has been suspended or revoked.

19-3-16. Display of License.

Every driver licensed under this title shall post his taxicab driver's license in such a place as to be in full view of all passengers while such driver is operating a taxicab and shall exhibit the said license upon demand of any police officer, license inspector or any authorized agent of the License Department of the City.

19-3-17. Suspension and Revocation of License.

The City is hereby given the authority to suspend or revoke any taxicab driver's license issued under this title for a driver's failing or refusing to comply with the provisions of this title. However, a taxicab driver's license may not be suspended or revoked unless the driver has been given notice and has had an opportunity to present evidence in his behalf. Notice of such hearing shall be deemed to be sufficient if it is mailed to the address designated on the said taxicab driver's license application at least ten days prior to said hearing.

19-3-18. New License Prohibited to Persons Whose License has Been Revoked. Exception.

No driver whose taxicab driver's license has been revoked shall again be licensed as a driver for licensed public vehicles in the City except upon presentation of reasons satisfactory to the City.

19-3-19. Compliance with City, State and Federal Laws.

Every driver licensed under this title shall comply with all city, state and federal laws. Failure to do so will justify the suspension or revocation of a license by the City.

Chapter 4 VEHICLES -- EQUIPMENT AND MAINTENANCE

19-4-1. Inspection Prior to Licensing.

Prior to the use and operation of any vehicle under the provisions of this title said vehicle shall be thoroughly examined and inspected by the Police Department and found to comply with the requirements of this chapter of these revised ordinances.

19-4-2. License Upon Satisfactory Inspection.

When the Police Department finds that a vehicle has met the standards established by these ordinances, the License Department shall issue a sticker to that effect.

19-4-3. Periodic Inspection.

Every vehicle operating under this title shall be inspected by the Police Department twice each year, at an interval of not more than six months, in order to make certain each vehicle is being maintained in a safe and efficient operating condition in accordance with the following inspection requirements:

- (a) Tires: Tire-tread depth shall be not less than 1/6" of an original, re-grooved, or retreaded tire, with no cuts and breaks in sidewalls.
- (b) Body condition: There shall be no tears or rust holes in the vehicle body, and no loose pieces hanging from the vehicle body, including fenders, bumpers and light trim. No extensive unrepaired body damage shall be allowed.
- (c) Paint: All vehicles shall be properly and adequately painted and numbered in conformance with the provisions of Section 19-4-6 hereof.
- (d) Lights: Headlights shall be operable on both high and low beam. Tail lights, parking lights, brake lights, and signal lights shall be operable. Interior lights and the lights in any sign on the cab shall also be operable. All lights must otherwise conform to applicable City ordinances and State statutes.
- (e) Wipers: Each vehicle shall be equipped with adequate windshield wipers maintained in good operating condition.
- (f) Brakes: Both the park and hydraulic or other brake system must be operable. The foot-brake pedal must not be depressible beyond a point 1 inch from the floor of the car.
- (g) Steering: Excessive play in the steering mechanism shall not exceed 3 inches free play in turning the steering wheel from side to side.

- (h) Mufflers: Mufflers shall be operable and free of damage or defect.
- (i) Windows: The windshield shall be without cracks or chips that could interfere with the driver's vision. All other windows shall be intact and able to be opened and closed as intended by the manufacturer.
- (j) Door latches: All door latches shall be operable from both the interior and exterior of the vehicle.
- (k) Suspension: The vehicle's suspension system shall be maintained so that there are no sags because of weak or broken springs or excessive motion when the vehicle is in operation because of weak or defective shock absorbers.
- (l) Licenses: The taxi driver's license shall be properly displayed in the manner prescribed in Section 19-3- 17 hereof.
- (m) Penalty: Failure to comply with any of the foregoing requirements shall be grounds for refusal to issue or revocation of the vehicle's license. The vehicle owner shall be required to pay an inspection fee of \$10.00 each time the vehicle is inspected hereunder. Should the vehicle fail to meet the foregoing requirements, the vehicle shall not be used as a taxicab until all required repairs have been made so that said vehicle shall meet the foregoing requirements and a license sticker has been placed thereon.

19-4-4. Clean and Sanitary Condition of Vehicles.

Any vehicle operating under this title shall be subject to periodic inspections by the Police Department to determine that each vehicle is being maintained in a clean and sanitary condition in accordance with the following rules and regulations:

- (a) Engine: The engine and engine compartment shall be reasonably clean and free of uncontained combustible materials.
- (b) Exterior: The exterior of each vehicle shall be maintained in a reasonably clean condition.
- (c) Windows and windshields: The windows and windshields shall be maintained in a reasonably clean condition.
- (d) Interior: The interior of each vehicle shall be maintained in a reasonably clean condition, free of foreign matter and offensive odors. There shall be no excessive litter in the vehicle, and the seats shall be kept reasonably clean and without holes or large wear spots. The door handles and doors shall be intact and clean.
- (e) Penalty: Failure to comply with any of the foregoing inspection requirements shall be grounds for refusal to issue or revocation of the vehicle's license. The vehicle owner shall be required to pay an inspection fee of \$10.00 each time the vehicle is inspected hereunder.

19-4-5. Identifying Design.

Each taxicab shall bear on the outside of each side of the vehicle in painted letters not less than five-sixteenths inch stroke and more than two and one-quarter inches in height, the name of the owner and the company number, which number shall be painted on the rear of the taxicab and, in addition, may bear an identifying design approved by the City.

19-4-6. Prohibition Against Conflicting Design.

No vehicle covered by the terms of this title shall be licensed whose color scheme, identifying design, monogram or insignia to be used thereon shall, in the opinion of the City, conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle or vehicles already operating under the title, in such a manner as to be misleading or tend to deceive or defraud the public; and provided further that if, after a license has been issued for a taxicab hereunder, the color scheme, identifying design, monogram or insignia thereof is changed so as to be, in the opinion of the City, in conflict with or in imitation of any color scheme, identifying design, monogram or insignia used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the certificate covering such taxicab or taxicabs shall be suspended or revoked.

Chapter 5 TAXIMETER RULES AND REGULATIONS

19-5-1. Taximeter Required.

All taxicabs operated under the authority of this title, except as specified below, shall be equipped with taximeters which shall conform to the specifications set forth in this title and such others as may be adopted from time to time by the City. It shall be unlawful for any person to operate or to allow to be operated any taxicab without such taximeter, with the exception that any taxicab performing car pool services under Section 19-7-24 need not have such taximeter operative during such trip and any taxicab used exclusively as a car pool vehicle, or taxicabs operated exclusively as ski transportation vehicles during the period October 15 to April 15, as authorized by Section 19-3-8, need not be equipped with such taximeter.

19-5-2. Basis of Fare Calculations. Time and Distance Mechanisms.

Taximeters shall calculate the fares upon the basis of a combination of mileage traveled and time elapsed. When the taximeter is operative with respect to fare registration, the fare registration mechanism shall be actuated by the mileage mechanism and the fare registering mechanism shall be actuated by the time mechanism whenever the taxicab is held at the passenger's instruction. Means shall be provided for the driver of the taxicab to maintain the clock mechanism either operative or inoperative with respect to the fare registering mechanism.

19-5-3. Operation Indication.

It shall be shown on the taximeter's face whether the mechanism is set to be operative or inoperative, and, if operative, the character of fare registration for which it is set. While the taximeter is cleared, the indication "not registering" or an equivalent expression shall appear. If a taximeter is set to be operative, the indication "registering" or equivalent expression shall appear.

19-5-4. Accumulated Fare.

The fare indication shall be identified by the word "fare" or by an equivalent expression. Values shall be defined by suitable words or monetary signs.

19-5-5. Protection of Indications.

Indications shall be displayed through an entirely protected glass or plastic face securely attached to the metal housing of the taximeter.

19-5-6. Visibility of Indications.

Indications of fare and extras shall never be obscured or covered except when a taximeter is cleared.

19-5-7. Flag and Lever Arm Requirements.

A flag shall be provided. The position of the flag and its associated lever arm shall be mechanically defined, and displacement from any one accidental or inadvertent changing of the operating condition of the taximeter is improbable. The flag shall be at its highest position when the taximeter is cleared and in this position, the whole of the flag shall be above the level of the taximeter housing. Possible movement of the flag to an operating position immediately following its movement to the cleared position shall automatically be delayed enough to permit the taximeter mechanism to come to complete rest in the cleared position.

19-5-8. Sealing of Meters Required.

Every taximeter shall have adequate provisions for the affixing of a lead and wire seal so that no adjustments, alterations or replacements affecting in any way the indications, rates or accuracy of the taximeter can be made without mutilating said seal. Such seal shall be affixed by a weights and measures inspector of the License Department as hereinafter provided.

It shall be unlawful for any person to operate any taxicab at any time with the License Department's seal of the taximeter broken, mutilated or removed and any taxicab having a broken, mutilated or removed seal must be inspected by the License Department and a new seal affixed by said department.

19-5-9. Position in Cab.

When mounted upon a taxicab, a taximeter shall be so placed that its face is in plain view of any passenger seated on the rear seat of the cab, and shall be so placed that the flag shall be visible from the sidewalk when the flag is in the "for hire" position.

19-5-10. Illumination.

The face of the taximeter shall be artificially illuminated after sundown so that it is clearly visible to rear seat passengers.

19-5-11. Subject to Inspections.

All taximeters shall be subject to inspection from time to time by the Police Department and/or the License Department of Sandy City.

19-5-12. Required Inspections.

It shall be the duty of the License Department to inspect, test and seal with a City seal every taximeter at least once every six months. This inspection shall coincide with the police inspection required under Section 19-4-3.

It is further required that the semi-annual meter checks shall be required for every taxicab in which a meter is installed, irrespective of whether or not that particular taxicab is in operation at the time of said inspections. When any License Department's seal has been broken, mutilated or removed, the holder shall contact the License Department and make arrangements for the

replacement of such seal.

19-5-13. Seal After Inspection.

Said taximeters shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording.

19-5-14. Records of Inspection.

The License Department shall keep a record of the identification of every taxicab meter number and date of inspection thereof in its office.

19-5-15. Fee for Inspection.

A fee of \$10.00 shall be charged for each inspection.

19-5-16. Removal from Service for Error in Registration.

No taximeter which is inaccurate in registration in excess of three percent shall be allowed to operate in any taxicab, and when an inaccuracy in excess of three percent is discovered, such taxicab involved shall immediately cease operation and be kept off the highways until the meter is repaired and in proper working condition.

19-5-17. Inspection Upon Complaint.

It shall be the duty of said License Department to make an immediate inspection of any taximeter when complaint is received that the said taximeter is registering incorrectly or not in accordance with the rate posted in the taxicab and set forth in this title.

19-5-18. Immediate Inspection Upon Change in Rates.

In the event a change of rates is made, the taximeter shall be adjusted to the new rates and the taximeter or every taxicab in which a meter has been installed shall be immediately inspected, tested and sealed by the said License Department.

19-5-19. Flag to be Used to Denote Employment.

Each taximeter shall have thereon a flag to denote when the taxicab is employed and when it is not employed. It shall be the duty of the driver when his taxicab is in service, to throw the flag of the taximeter into registering position. Upon the completion of the service by the taxicab, it shall be the duty of the driver to call the attention of the passenger to the amount registered, to raise the flag so that the taximeter shall be returned to the non-registering position and its dials cleared.

19-5-20. Unlawful to Leave Flag in False Position While Employed or Unemployed.

It shall be unlawful for any driver operating a taxicab to throw the flag of a taximeter into a registering position when such vehicle is not actually employed, or to throw or maintain the

flag in a non-registering position when such vehicle is employed.

19-5-21. Unlawful to Use Flag as Signal for Different Rate.

It shall be unlawful for any driver of a taxicab to display the flag of the taximeter in such position as to denote that he is employed at a rate of fare different from that authorized under the provisions of this title.

19-5-22. Tampering With Meter Unlawful.

It shall be unlawful for any driver of a taxicab, or any other person, to tamper with or alter in any manner the taximeter on such taxicab.

Chapter 6 RATES

19-6-1. Rates of Hire Established.

An owner or driver of a taxicab may established and charge mileage rates lower than, but shall not establish and charge any mileage rate for the use of a taxicab greater than, ninety-five cents for flag drop and ten cents for each one-ninth mile or fraction thereof.

19-6-2. Notification of Rates.

Each holder of a certificate shall file a schedule of its maximum rate with the license office of the City and shall notify said office in writing of any change in said maximum rate at least fifteen days prior to such new rate being placed into effect.

19-6-3. Display of Fare Rates.

Every taxicab operated under this title shall have printed on the outside of said cab, in a conspicuous place on said cab and of sufficient size, legibility and passengers, the maximum mileage rates in effect for the taxicab company operating the said taxicab.

19-6-4. Display of Additional Charges.

All rates to be charged for the use of a taxicab, other than those required to be printed on the outside of a taxicab, shall be posted on the inside of the taxicab in such a manner as to be plainly visible to all passengers.

19-6-5. Receipts.

The driver of any taxicab shall, upon demand by the passenger, render to such passenger a receipt for the amount charged either by a mechanically printed receipt or by specially prepared receipt on which shall be the name of the owner, license number or motor number, amount of meter reading or charges, and date of transaction.

19-6-6. Unlawful to Refuse to Pay Fare.

It shall be unlawful for any person to refuse to pay immediately the legal fare of any of the vehicles mentioned in this title after having hired the same.

19-6-7. Unlawful to Intend to Defraud.

It shall be unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service.

Chapter 7 SERVICE REGULATIONS

19-7-1. Solicitation by Driver Prohibited. Exception.

No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab, while standing immediately adjacent to the curb side thereof, or at any authorized ground transportation stand.

19-7-2. Driver to Remain With Cab. Exception.

The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that, when necessary, a driver may be absent from his taxicab for not more than twenty consecutive minutes, and provided further that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

19-7-3. Prohibited Type of Solicitation.

No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

19-7-4. Cruising Prohibited. Exception.

No driver shall cruise in search of passengers except when such cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

19-7-5. Solicitation of Other Common Carrier Passengers Prohibited.

No driver, owner or operator shall solicit passengers at any intermediate points along any established route of any other common carrier.

19-7-6. Passenger Consent Required for Additional Passengers.

After the employment of the taxicab by a passenger or group of passengers, no driver shall permit any other person to occupy or ride in said taxicab without the consent of the original passenger or group.

19-7-7. Restriction on Number of Passengers.

No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab as stated in the license for said vehicle issued by the Police Department. A child in arms shall not be counted as a passenger.

19-7-8. Refusal to Carry Orderly Passenger Prohibited.

No driver shall refuse or neglect to convey any orderly and sober person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this title to do so.

19-7-9. Driver Solicitation of Business Prohibited.

It shall be a violation of this title for any driver of a taxicab to solicit business for any business establishment or to attempt to divert patronage from one business establishment to another.

19-7-10. Unlawful to Engage in Liquor or Prostitution Traffic.

It shall be unlawful for any taxicab driver to sell intoxicating liquor or to knowingly transport persons for the purpose of buying liquor unlawfully, or to solicit business for any house of ill repute or prostitute. It shall also be unlawful for any taxicab driver to permit any person to occupy or use his vehicle for the purpose of prostitution, lewdness or assignation with knowledge or reasonable cause to know that the same is to be used for such purposes, or to direct, take, or transport or offer or agree to direct, take, or transport any person to any building or place, or to any other person, with knowledge or reasonable cause to know that the purpose of such directing, taking, or transporting is prostitution, lewdness or assignation.

19-7-11. Vehicle to be Used Only for Transportation.

It shall be unlawful for any taxicab driver to use his vehicle for any purpose other than the transportation of passengers or of small parcels.

19-7-12. Direct Route Required.

Any driver employed to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his destination unless otherwise directed by the passenger, except that a driver may deviate to pick up or drop off passengers at their homes when he is operating a taxicab as a car pool vehicle.

19-7-13. Open Stands. Establishment.

The Mayor of Sandy City is hereby authorized and empowered to establish open stands in such place or places upon the streets of Sandy City as he deems necessary for the use of taxicabs operated in the City. The Mayor shall not create an open stand without taking into consideration the need for such stands by the companies and the convenience to the general public and the recommendation of the traffic engineer. The Mayor shall not create an open stand where such stand would tend to create a traffic hazard.

19-7-14. Open Stands. Use.

Open stands shall be used by the different drivers on a first-come-first-served basis. The driver shall pull onto the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within five feet of their cabs; they shall not solicit passengers or engage in loud or boisterous talk while at an open stand. Nothing in this title shall be construed to prevent a passenger from boarding the cab of his choice that is parked at open stands. The

City may prescribe the number of cabs that shall occupy such open stands.

19-7-15. Open Stands. Telephone Installation.

The City may allow the taxicab companies to install telephones at such open stands for the purpose of calling the terminal of said companies.

19-7-16. Open Stands. Prohibition for Other Vehicles.

Private or other vehicles for hire shall not at any time occupy the space upon the streets that has been established as an open stand.

19-7-17. Service Required.

The holder of a certificate shall maintain, at all hours during the day or night, sufficient taxicabs with drivers to reasonably answer all calls received. The telephone number of the central place of business shall be listed under the company name in the white pages, and in the yellow pages under the heading "taxicabs," of the telephone directory. Any company receiving a new certificate of convenience and necessity shall be so listed in the next issue of said telephone book.

19-7-18. Twenty-four Hour Service Required.

Holders of a certificate of public convenience and necessity shall maintain a central place of business and keep the same open with a person on duty twenty-four hours a day, seven days per week, for the purpose of receiving calls and dispatching taxicabs.

19-7-19. Answer all Calls for Service.

Holders of a certificate shall answer all calls received by them for services inside the corporate limits of Sandy City as soon as reasonably possible and if said services cannot be rendered within a reasonable time, they shall notify the prospective passengers, to the best of their ability, how long it will be before said call can be answered and give the reason therefor.

19-7-20. Unlawful to Fail to Provide Required Services.

It shall be unlawful for any holder of a certificate to refuse to accept a call for service to any point within the corporate limits of Sandy City at any time when such holder has available taxicabs, and it shall be unlawful for any holder to fail or refuse to provide all service required by this title.

19-7-21. Advertising Permitted.

It shall be lawful for any person owning or operating a taxicab or motor vehicle for hire to permit advertising matter to be affixed to or installed in or on taxicabs or motor vehicles for hire.

19-7-22. Car Pool Services.

Notwithstanding all other provisions of this title, it shall be lawful for any person owning or operating a taxicab where both such taxicab and operator are properly licensed under the provision of this title, to provide car pool service at certain times of the day. Car pool service may provide transportation for a group of passengers between their residences and such drop-off and pick-up point areas as designated by the taxicab company and approved by the Mayor. A fixed price may be charged for such one-way car pool service as provided by this title.

19-7-23. Small Parcel Delay Delivery System.

Subject to obtaining permission from the Public Service Commission of the state of Utah, if any be required, taxicabs which are properly licensed under the provisions of this title are hereby authorized to provide a small parcel delay delivery system for the transporting of small parcels at a fixed rate as provided in Section 19-6-1 of these revised ordinances. It shall be unlawful for the driver of any taxicab to pick up or deliver any small parcel while en route to pick up or drop off any passenger.

Chapter 8 REPORTS

19-8-1. Driver to Keep Manifests.

Every driver shall maintain a daily manifest upon which is reported all trips made during his hours of work, showing time(s) and place(s) or origin and destination of each trip, intermediate stop, the number of passengers and amount of fare and all such complete manifests shall be returned to the holder by the driver at the conclusion of his working day.

19-8-2. Manifest Forms to be Approved.

The forms for each manifest shall be furnished to the driver by the holder and shall be of a character approved by the City.

19-8-3. Manifests to be Kept and Made Available to Police Department.

Every holder of a certificate of public convenience and necessity shall retain and preserve all driver's manifests in a safe place for at least the calendar year next proceeding the current calendar year, and said manifests shall be available to the Police Department.

19-8-4. Holders Required to Keep Records.

Every holder shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures and such other operating information as may be required by the City.

19-8-5. Accessibility of Records and Examination.

Every holder shall maintain the records containing such information and other data required by this title at a place readily accessible for examination by the City.

Chapter 9 ENFORCEMENT

19-9-1. Duty of Enforcement.

The Police Department and the License Department of Sandy City are hereby given the authority and are instructed to watch and observe the conduct of holders and drivers operating under this title to enforce the provisions of this title.

19-9-2. Violations Reported to Mayor.

Upon discovering a violation of the provisions of this title, in addition to regular criminal proceedings, the Police Department or the License Division shall report the same to the Mayor, who will order or take appropriate action respecting the licenses or certificates of the persons involved.

19-9-3. Penalty.

Any violation of any of the provisions of this title is hereby declared to be a misdemeanor and shall be punishable by a fine up to \$299.00 or a jail sentence of up to six months or both such fine and imprisonment.

ADOPTED Ord. 94-51, 10/11/94; PUBLISHED 10/27/94.